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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ANWAH, OLISA

ART UNIT	PAPER NUMBER
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2645

15

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

Office Action Summary

Application No.

09/421,363

Applicant(s)

MEI ET AL.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-5, 7-9, 12, 15-18, 21-25 and 27-34 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hanson, U.S. Patent No. 6,016,336 (hereinafter Hanson).

With respect to claim 1, the following limitations read on Hanson. "A method for personalizing an interactive voice response (IVR) system to reduce a number of key sequences to reach a desired source of information" reads on col. 1, lines 5-65. "Storing a caller profile," reads on s12, Figure 6. "Accessing said IVR system via a telephone," reads on s10, Figure 6. "Retrieving the caller profile to construct a

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personalized IVR dialogue menu and play out the personalized IVR dialogue menu via the telephone," reads on s23. "The personalized IVR dialogue menu comprising an option for changing said personalized IVR dialogue menu," reads on col. 5, lines 1-10. "Wherein said personalized IVR dialogue menu is at least one of based on a caller access pattern and configurable by the caller," reads on col. 5, lines 1-10. Webster's dictionary defines a pattern as a reliable sample of traits, acts, tendencies or other observable characteristics of a person. The reliable sample of traits, acts, tendencies or other observable characteristics [pattern] tracked by Hanson is the caller's most recent selection. Based on the caller's most recent selection (which is stored in a caller profile), a menu selection is constructed and presented to the caller. This is also functionally equivalent to the claimed retrieving method. A caller profile is retrieved and then a new [personalized] menu is presented [constructed] based on the specific caller profile. Hanson teaches this menu is presented via a telephone which is used in accessing said IVR system. Furthermore, Hanson teaches a caller may elect to save a usage history, hence a caller is able to configure a personalized menu. If the caller chooses not to save a usage history, the most recent selection (pattern) presented to the caller the next time the caller accesses the

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IVR will differ from a situation where a caller does choose to save a usage history. Therefore a caller has control as to what menu will be presented to a caller whenever a caller accesses an IVR system. Hence a caller is able to configure the personalized IVR menu. This scenario also reads on the claimed option for changing said personalized IVR dialogue menu. If the caller elects to save a usage history, the caller has changed the personalized IVR dialogue menu. Hence Hanson teaches all the claimed limitations of claim 1.

Regarding claims 2, 4 and 5, Webster's dictionary defines a pattern as a reliable sample of traits, acts, tendencies or other observable characteristics of a person. The reliable sample of traits, acts, tendencies or other observable characteristics [pattern] tracked by Hanson is the caller's most recent selection. Based on the caller's most recent selection (which is stored in a caller profile), a menu selection [shortcut] is constructed and presented to the caller.

Regarding claim 3, see s18 of Figure 6.

Regarding claims 7 and 8, see s18.

Regarding claim 9, see col. 3, lines 1-4.

Regarding claim 12, see col. 5, lines 1-7.

Regarding claim 15, see s10.

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Claim 16 is rejected for the same reasons as claim 1.

Regarding claims 17 and 18, see Hanson, column 3 and 4.

Regarding claims 21-23, see Hanson columns 5 and 6.

Regarding claim 24, see s18, s19 and s23.

Regarding claim 25, see columns 5 and 6.

Claim 27 is rejected for the same reasons as claim 18.

Claim 28 is rejected for the same reasons as claim 16.

Regarding claims 29-34, see column 4.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C § 103(a) as being unpatentable over Hanson in view of Polcyn et al, U.S. Patent No. 6,061,433 (hereinafter Polcyn).

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Regarding claim 6, Hanson does not disclose the shortcut is based on a most-frequently accessed IVR pattern. However Polcyn discloses a shortcut based on a most-frequently accessed IVR pattern (col. 4, lines 34-44). Therefore it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Hanson with the shortcut taught by Polcyn. This modification provides a reduction in the average duration of incoming telephone calls without relying on the memory or abilities of callers as suggested by Polcyn.

5. Claims 10 and 11 are rejected under 35 U.S.C § 103(a) as being unpatentable over Hanson in view of Wu, U.S. Patent No. 6,173,042 (hereinafter Wu).

Regarding claim 10, Hanson does not disclose displaying to said caller said IVR menu to reduce a number of key sequences during interactions. However Wu discloses this limitation (col. 4, lines 50-66). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hanson with the displaying method taught by Wu. This modification allows service providers to serve both callers and PC users using an existing voice response system as suggested by Wu.

Regarding claim 11, see Hanson, col. 3, lines 47-48.

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6. Claims 13 and 14 are rejected under 35 U.S.C § 103(a) as being unpatentable over Hanson in view of Csaszar, U.S. Patent No. 5,970,124 (hereinafter Csaszar).

Regarding claim 13, Hanson does not disclose inserting an advertisement into said caller's personalized dialogue menu, based on the caller's IVR past accessing patterns, during said caller's navigation of said personalized IVR dialogue. However Csaszar discloses this limitation (columns 8 and 9). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hanson with the inserting method taught by Csaszar. This modification provides advertisers and marketers with the ability to better direct advertisements to customers who are most interested in a product or service as suggested by Csaszar.

Regarding claim 14, see columns 8 and 9.

7. Claims 19 and 26 are rejected under 35 U.S.C § 103(a) as being unpatentable over Hanson in view of Wolf, U.S. Patent No. 5,737,393 (hereinafter Wolf).

Regarding claim 26, Hanson discloses a system for personalizing an interactive voice response system to reduce a number of key sequences to reach a desired source of

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information, comprising a storage for storing a caller profile and a retrieval unit for retrieving the caller's profile to construct a personalized IVR dialogue menu and play-out the personalized menu, wherein the retrieval unit is selectively interfaced with a network and a PSTN (see Figure 5, col. 2, lines 45-46 and col. 4, lines 9-17). Hanson does not disclose the claimed telephone interface module and the claimed network interface module. However Wolf discloses these limitations (see columns 1, 4 and 6). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hanson with the telephone and network interface modules disclosed by Wolf. This modification provides an IVR system that may be customized by a user.

Claim 19 is rejected for the same reasons as claim 26.

8. Claim 20 is rejected under 35 U.S.C § 103(a) as being unpatentable over Hanson in view of Juster, U.S. Patent No. 5,724,406 (hereinafter Juster).

Regarding claim 20, Hanson does not disclose the claimed dialogue handler. However Juster discloses this limitation (columns 2, 5 and 13). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hanson with the dialogue handler taught by

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Juster. This modification provides a flexible call processor to be used in a wide range of multi-media messaging environments to provide any number/type of messaging services as suggested by Juster.

9. Claim 35 is rejected under 35 U.S.C § 103(a) as being unpatentable over Hanson in view of Beyda et al, U.S. Patent No. 6,487,277 (hereinafter Beyda).

Regarding claim 35, Hanson does not disclose an option for changing said personalized IVR dialogue menu before navigating said personalized IVR dialogue menu during a call. However Beyda discloses this limitation (col. 7, lines 35-45). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hanson with the option taught by Beyda. This modification allows for the menu to be personalized either before or after navigating a menu as suggested by Beyda.

Response to Arguments

10. Applicant argues the caller cannot elect to update his usage history in Hanson until after he has finished with the IVR system (i.e., at the end of his call). However Hanson discloses the option is elected **during the call**.

Applicant points out that in Hanson the option initially presented to the caller is always the same. Applicant further disputes Hanson does not teach the caller is given an option at **this point** to change the menu. However Applicant's claims do not specify **when** the option is presented to the caller. Applicant broadly claims, "comprising an option for changing said personalized IVR dialogue menu". Hanson teaches **during a call**, a caller may elect to update his usage history. According to Hanson, **during the call** an audio message is presented to the caller and the caller may elect to update his usage history. If a caller decides to update the caller's usage history, the personalized IVR dialogue menu is changed. According to Hanson this solves the problem of having to repeatedly navigate through a complex, multi-layered menu of a call management system by eliminating unnecessary menu layers (SUMMARY OF THE INVENTION). Therefore Hanson teaches the option as presently claimed.

Applicant further alleges that Hanson does not even teach a personalized menu. However Examiner would like to point out that

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Webster's dictionary defines personalize as "to make personal". Each menu presented in Hanson is personalized. Each menu is personal. A caller calls into the system, the caller's identity is detected and a **personal** menu is presented to the caller based on the caller's identification. Hence Hanson teaches a personalized menu.

Additionally, Applicant argues that the caller is not given the option to change a personalized menu. Applicant contends the caller has no control over the menu presented to him during the next call. However as mentioned above and in previous actions, the caller is given the option of choosing whether or not to save usage history (see col. 5, lines 1-10). If a caller decides to update the caller's usage history, the menu is truncated and thus personalized. Hence Hanson allows the user to manually define a personalized menu.

Conclusion

11. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS

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of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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O.A..

Olisa Anwah

Patent Examiner

December 16, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', written over the printed name and title.